

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7461**

**BILL NUMBER:** HB 1502

**NOTE PREPARED:** Jan 18, 2007

**BILL AMENDED:**

**SUBJECT:** Public Health Issues.

**FIRST AUTHOR:** Rep. Orentlicher

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State and Local

**Summary of Legislation:** This bill requires the State Department of Health to include Creutzfeldt-Jakob disease as a communicable disease, and requires specified persons to report a diagnosis of the disease. The bill requires a county coroner to perform an autopsy on an individual with a suspected diagnosis of Creutzfeldt-Jakob disease.

The bill provides that the consent of a patient or the patient's representative to HIV screening may be either oral or in writing.

The bill also provides that an employee is entitled to an isolation or quarantine employment leave under certain circumstances. It protects an employee's employment and benefit rights during an isolation or quarantine employment leave. It further provides that an employee who is denied isolation or quarantine employment leave may bring a civil action against an employer to enforce the rights of the employee to isolation or quarantine employment leave.

The bill encourages the State Department of Health to implement a pilot program at hospitals or outpatient clinics to test specified individuals for HIV.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** *Creutzfeldt-Jakob Classification:* The bill requires the State Department of Health to classify Creutzfeldt-Jakob disease as a communicable disease and requires reporting of confirmed cases by pathologists who have confirmed diagnoses of the disease. The Department currently maintains and requires reporting for a specified list of communicable diseases.

*Isolation and Quarantine Leave:* The bill also provides that an employee is entitled to an isolation or quarantine employment leave, taken to carry out a responsibility or obligation under specified circumstances. The leave may be for a part of a day or for multiple days depending on the individual circumstances. The bill does not require that salary or wages be paid to an employee who is on isolation or quarantine leave unless there is an agreement between the employer and the employee, there is a contract specifying such payment, or it is a policy of the employer.

During the time an employee is on leave under the provisions of this bill, the employer is required to provide employee benefits to the employee at the employee's expense. An employer and employee are permitted to agree to alternative employment conditions or terms during the time the employee is on leave. The bill provides that if an employee takes isolation or employment leave in compliance with the bill and subsequently returns to work, the employer must return the employee to the position held before the leave if the position has not been eliminated or filled or the employer must place the employee in another position that provides compensation, benefits, work hours, and other terms equivalent to the position the employee held before the leave. An employee denied isolation or quarantine employment leave may bring a civil action against an employer to enforce the employee's rights. State employees would be affected by the provisions for isolation and quarantine employment leave.

*HIV Testing Pilot Program:* The bill encourages the Department of Health to conduct a pilot program that would test patients for HIV in accordance with the Centers for Disease Control and Prevention (CDC) recommendations published in 2006. The bill recommends the pilot be conducted at hospitals or outpatient clinics that provide services to diverse patient populations representative of the state's population. Any expenditures associated with a pilot program will depend on administrative discretion and program implementation.

#### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Creutzfeldt-Jakob Disease:* The bill requires that coroners perform county-funded autopsies of individuals dying with a suspected diagnosis of Creutzfeldt-Jakob. The cost of this provision would be dependent upon the number of individuals dying that might be suspected of the specific diagnosis; however, the disease is very rare and additional expenditures are expected to be small.

*Isolation and Quarantine Leave:* Local governmental units and school corporations would be required to comply with the provisions of the isolation and quarantine employment leave.

#### **Explanation of Local Revenues:**

**State Agencies Affected:** Indiana State Department of Health; State Personnel Department; Potentially all state agencies.

**Local Agencies Affected:** County coroners; Units of local government; Local school corporations.

#### **Information Sources:**

**Fiscal Analyst:** Kathy Norris, 317-234-1360.